



Attorney General Doug Peterson

News Release

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Attorney General Peterson Joins Coalition Urging Supreme Court to Protect Free Speech of Small Business Owners

Lincoln -- Attorney General Peterson, as part of a 20-state coalition, filed an amicus brief urging the Supreme Court of the United States (SCOTUS) to defend First Amendment rights of business owners. In *303 Creative v. Elenis*, the coalition is arguing that states cannot use their public accommodations laws to force business owners to act contrary to their sincerely held religious beliefs.

Lorie Smith, who owns 303 Creative in Colorado, is a graphic artist and website designer. Smith wants to expand her business into wedding websites, but her religious beliefs prohibit her from promoting same-sex weddings. Under Colorado's anti-discrimination law, the Tenth Circuit Court of Appeals said that if Smith designs websites for opposite-sex weddings, she is required to create websites for same-sex weddings. Smith sued, alleging that Colorado's law violates her rights under the First Amendment.

The amicus brief argues:

- Because Smith speaks through her custom design work, Colorado cannot force her to address the topic of same-sex marriage—let alone to “express approval and celebration” of same-sex marriage, as the Tenth Circuit’s decision would force her to do.
- SCOTUS’s precedents have banned compelled speech without nullifying public-accommodation laws.
- Colorado cannot satisfy strict scrutiny here.

Joining Nebraska are the states of Arizona, Alabama, Alaska, Arkansas, Georgia, Idaho, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Montana, Ohio, Oklahoma, South Carolina, Tennessee, Utah, and West Virginia.

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Amicus Brief Attached

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